IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2649 OF 2005

Subhash Chandra Gupta. ... Petitioner

Versus.

Union of India and others. ... Respondents.

Shri C.U.Singh i/by Shri D.V.Gangal for the Petitioner.

Shri S.S.Pakale with Shri D.A.Dube for the Respondents.

CORAM : H.L.GOKHALE, &
ABHAY S. OKA, JJ.

DATED : 28th FEBRUARY, 2006.

P.C.:

1. Heard Shri Singh in support of this petition.

Shri Pakale appears for the Respondents.

2. The Petitioner is facing a departmental inquiry which according to him is a kind of a second inning. The report has already been given and now he has been asked to show-cause on the findings in the report. He fears that after he files his reply, he will be terminated from his service. It is on this back ground that this petition has been filed and this Chamber Summons has been moved to bring the subsequent developments on record.

3. Shri Pakale, the learned Counsel appearing for the Respondents pointed out that the proper remedy for the Petitioner is to approach the Central Administrative

Tribunal in the event any prejudicial order is passed. Shri Singh for the Petitioner on the other hand pointed out that the fact remains that the earlier report was given in favour of the Petitioner and thereafter further inquiry has been started, which has been permitted by this Court without expressing any opinion on the merits. We cannot ignore this submission of Shri Singh appearing for the Petitioner. In the circumstances, the proper course will be that in the event any order prejudicial to the Petitioner is passed that should not be acted upon for a period of four weeks to enable the Petitioner, in case he is so inclined, to approach the Central Administrative Tribunal. All his submissions with respect to the inquiry as also the second part of the inquiry will be available to him in the Administrative Tribunal. Shri Singh states that the reply to the show-cause notice may be permitted to be given till 9th March. Shri Pakale has no objection to this limited extent.

4. Petition stands disposed of. Chamber Summons also stands disposed of.

(H.L.Gokhale, J.)

(Abhay S.Oka, J.)